GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Mercy Petition of Sri B. Pratap Kumar, Ex. PC 969, 6th Bn., APSP, Mangalagiri against the punishment of "Removal from Service" – Punishment Set aside and the absence period is treated as Eligible Leave / EOL - Orders - Issued.

HOME (SERVICES.II) DEPARTMENT

G.O.RT.No. 990 Dated: 21-11-2019

Read the following:-

1. Mercy Petition of Sri B. Pratap Kumar, Ex. PC 969, 6th Bn., APSP, Mangalagiri , dated:Nil
2. From the DGP, AP, Mangalagiri, Lr. Rc. No. 144/T3/2017, Dt: 22.08.2017
3. Govt. Memo. No. 836(P)/Ser II/A2/2017, Dt:08.11.2017.
4. 2nd Mercy Petition of Sri B. Pratap Kumar, Ex. PC 969, VI Bn., APSP, Mangalagiri, Guntur District, received through Minister (Home), Lr. Endt. No. M-636, Dt: 16.08.2019.

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ORDER:

In the reference 2nd read above, the Director General of Police, Andhra Pradesh, has forwarded the Mercy Petition of Sri B. Pratap Kumar, Ex. PC 969, 6th Bn., APSP, Mangalagiri against the punishment of "Removal from Service", awarded by the Commandant, 6th Bn., APSP, Mangalagiri.

Charge:- "PC went on 05 days CL from 13-08-2010 AN to 18-08-2010 AN on the plea of his son's ill health and extended leave for 40days through telegram for the same plea. Due to report for duty on 27-09-2010 AN. But he did not report for duty and became Overstayed leave from 27-09-2010 AN. He has neither informed his whereabouts nor reported for duty. After completion of 21 days continuous absence period, as per the Order No.184 of APPM Part-I, Volume-I, he was declared as deserter w.e.f. 27-09-2010 an vide this office D.O.No.779/2010 (Lr.No.352/A4/2010), dt.22-10-2010. He acknowledged the desertion order on 07-11-2010. But he did not report for duty, so far"

2. The Commandant, 6th Bn., APSP, Mangalagiri duly following the procedure prescribed in APCS (CC&A) Rules, 1991, has awarded the Punishment of "Removal from Service", treating the Casual Leave & Extension Period from 13.08.2010 AN to 27.09.2010 AN as eligible leave and desertion period from 27.09.2010 AN as 'Not on Duty' vide Proceedings, dt: 27.07.2012.

3. The Appeal Petition of the Charged Ex. PC was considered and 'rejected' by the Dy. Inspector General of Police-II, APSP Bns., Hyderabad HAC of DIG-IV, APSP Bns., Kakinada vide proceedings dated: 26.06.2013.

4. The Revision Petition of the Charged Ex. PC was considered and 'rejected' by the Additional Director General of Police, APSP Bns., Hyderabad vide proceedings, Dt: 19.12.2013.

5. The 1st Mercy Petition of the Charged Ex. PC was considered and rejected by the Government Memo, Dated: 23.05.2018.

P.T.O.

6. Aggrieved by the above orders, the Charged Officer in the reference 4th read above, has filed a 2nd Mercy petition before the Government. He has stated that he was appointed as PC on 17.08.2005 and he was removed from service for his unauthorised absence from 13.08.2010 to 27.07.2012, as he was taking care of his son who has health problems and hence could not attend to duties. He has also submitted that he could not discharge his duties during 13-08-2010 till orders of removal from service on 27-07-2012 for the factual reason that his son aged 60 days suffered from heart problem and there was need subject the child for a major operation. Though operation was conducted leaving all hopes, the child survived. But doctors advised him to take utmost care of his son for some more period as the Doctors did not give cent percent hope on his son survival. The health condition of his young son, the mentally deviated wife, financial problem made him incapacitated. He gave all together 6 telegrams extending his leave. After the 4th telegram he was declared as deserter. Because, the Commandant Bn.APSP issued desertion orders, he was mentally upset. Anticipating major penalty, he could not apply for long leave. Secondly, to what extent of leave is required was not advised by Doctors. His stay at his residence was imperative because, round the clock he had to be near the bed of his son. He attended the Oral enquiry and explained his miserable position to the officers i.e., the Commandant 6th Bn, APSP. the DIG, APSP. Bns. and the Additional DGP APSP Bns. He had shown his sickly son to the Additional DGP, APSP Bns. personally and explained the position of his son and his difficulties. High Officers were only confined in thinking about long absence . No higher authority examined the aspect as to why he could not discharge his duties for a time and how he is surviving without any pay and allowances. Hence he has requested to exonerate from the charge on humanitarian grounds.

7. Government, after careful examination of the matter and with reference to the records made available, hereby set aside the punishment of "Removal from Service" in respect of Sri B. Pratap Kumar, Ex. PC 969, 6th Bn., APSP, Mangalagiri and the absence period is treated as Eligible Leave / EOL. Out of employment period from 27.07.2012 until reinstatement is treated as Not on Duty.

8. The Director General of Police, Andhra Pradesh is requested to take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R.M. KISHORE KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh.
The Commandant,6th Bn., APSP, Mangalagiri.
The Individual through the DGP, AP.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER